

REMARKS

Applicants respectfully request reconsideration and allowance of the present application. All of the pending claims are believed to be patentable over the cited reference.

Claims Status

This Response amends claims 24 – 28, 45, 49, 51 and 55; and adds new claims 65 – 69. The subject matter of new claims 65 – 69 is fully supported by the specification. No new subject matter has been added. After entry of this Response, claims 24 – 28, 39 – 40, 42 – 49, 51 – 55 and 65 – 69 remain pending.

Rejections Under 35 U.S.C. § 102(e)

Claims 24 – 28, 39 – 40, 42 – 49 and 51 – 55 stand rejected under Section 102(e) as allegedly being anticipated by U.S. Patent Application Publication 2003/0149774 A1 (“McConnell”). Applicants respectfully traverse these rejections for at least the following reasons.

Claim 24:

McConnell plainly does not teach each and every feature recited in claim 24. Specifically, claim 24 recites:

“determining the availability of each of the recipients to currently receive the PTT message; and
the server selectively forwarding the PTT message to the recipients that are available and storing the PPT message for later delivery to unavailable recipients, based on the respective availability of each of the recipients.”

In no instance does McConnell teach or suggest the above-quoted features. Claim 24 is directed to PTT messaging and modality, and more particularly, to the selective storage and deferred delivery of PTT messages to unavailable recipients. In sharp contrast to claim 24, McConnell discloses a voicemail server 72 that selectively stores a conventional caller message depending on the availability of the called party (McConnell at paragraphs [0064 – 0066] and [0080 – 0084]). Although McConnell teaches PTT

messaging, it teaches PTT messaging as an entirely different mode of communication than that of voicemail service. There is no cross-functionality between the PTT and voicemail services taught by McConnell. Furthermore, McConnell does not teach, suggest or even hint at combining voicemail-type service with PTT messaging, so as to store PTT messages for later delivery to currently unavailable recipients. For at least the foregoing reasons, claim 24, as well as claims 25 – 28 and 66 – 69 by their dependency, are patentable over McConnell.

Claim 39:

McConnell plainly does not teach each and every feature recited in claim 39. Specifically, claim 39 recites:

“program code means for displaying at the wireless mobile terminal and the networked computer the text message and an indicia of the voice message in a single displayed conversation thread.”

The above-quoted features are entirely absent from the teachings of McConnell, and thus claim 39, as well as claims 40 and 42 – 44 by their dependency, are patentable over McConnell.

Applicants note the assertion in paragraph 10 of the Office Action that claim 39 is simply a corresponding computer program product claim of method claim 24, and is therefore subject to rejection under the same rationale applied to claim 24. Applicants respectfully disagree with this characterization of claim 39 and ask that the Examiner carefully consider each and every claim in the application.

Claims 45 & 51:

McConnell plainly does not teach each and every feature recited in claims 45 and 51. Specifically, claim 45 recites:

“A wireless mobile terminal for operating on a wireless carrier network, comprising:
a display screen . . .
program code stored in the memory for accessing a list of potential message recipients stored at the server;
program code stored in the memory for displaying the list on the display screen;

program code stored in the memory for presenting on the display screen a graphical user interface for selecting one or more message recipients from the list displayed on the display screen, the message recipients including the networked computer”

Claim 51 recites similar subject matter in material respects.

The above-quoted features are entirely absent from the teachings of McConnell, and thus, claims 45 and 51, as well as claims 46 – 49 and 52 - 55 by their respective dependency, are patentable over McConnell.

Applicants note the assertion in paragraph 11 of the Office Action that claim 45 is simply a corresponding wireless terminal claim of method claim 24, and is therefore subject to rejection under the same rationale applied to claim 24. Applicants respectfully disagree with this characterization of claim 45 and ask that the Examiner carefully consider each and every claim in the application.

New Claims

Claim 65 is an independent claim directed to a system that includes features similar to those recited in claim 24, and thus, it is patentable over the teachings of McConnell for at least the reasons stated above in connection with claim 24.

Claims 66 – 69 depend from and contain all of the features of claim 24, and thus, they are likewise patentable over the teachings of McConnell for at least the reasons stated above in connection with claim 24. Claims 66 – 69 also recite additional features that are not taught or suggested by McConnell. For example, claim 66 recites:

- “storing, at the server, a user ID and user password useable for logging into the external email system, the user ID and user password allowing access to an external email service account of a PTT message sender sending the PPT message from the client;
- determining that an intended recipient of the PTT message is an email client of the external email system;
- the server automatically logging into the external email system as a proxy on behalf of the PTT message sender using the message sender’s stored user ID and user password; and
- forwarding the PTT message to the email client using the message sender’s external email service account.”

In no instance does McConnell teach or suggest the above-quoted features. For at least this additional reason, claim 66 is patentable over McConnell.

Claim 67 recites:

“storing, at the server, a user ID and user password useable for logging into the external IM system, the user ID and user password allowing access to an external IM service account of a PTT message sender sending the PPT message from the client;
determining whether an intended recipient of the PTT message is an IM client of the external IM system;
the server automatically logging into the external IM system as a proxy on behalf of the PTT message sender using the message sender’s stored user ID and user password; and
forwarding the PTT message to the IM client using the message sender’s external IM service account.”

In no instance does McConnell teach or suggest the above-quoted features of claim 67.

For at least this additional reason, claim 67 is patentable over McConnell.

Claim 68 recites:

“transcoding the PTT message into a digitized voice message formatted for playback using a predetermined web browser multimedia plugin;
storing the digitized voice message in a voice message database;
assigning a universal resource locator (URL) to the stored digitized voice message;
imbedding the URL in a text message; and
sending the text message imbedding the URL to the IM client.”

In no instance does McConnell teach or suggest the above-quoted features of claim 68.

For at least this additional reason, claim 68 is patentable over McConnell.

Claim 69 recites:

“the client periodically sending a keep-alive message to the server for maintaining as active the communication session between the server and the client.”

In no instance does McConnell teach or suggest the above-quoted features of claim 69.

For at least this additional reason, claim 69 is patentable over McConnell.

Conclusion

Each of the pending claims in this application is in condition for allowance and early notice to this effect is earnestly solicited. If, for any reason, the Examiner is unable to allow the application and feels that a telephone conference would be helpful to resolve

any issues, the Examiner is respectfully requested to contact the undersigned attorney at the 520-760-8268.

No additional fee is believed to be due with this Response.

Respectfully submitted,



Date: October 1, 2007

Michael K. Lindsey, Reg. No. 39,278
Attorney for Assignee
Customer No. 48,490

Gavrilovich, Dodd & Lindsey, LLP

3303 N. Showdown Pl.

Tucson, AZ 85749

(847) 760-8268 (direct)

(847) 760-8269 (fax)